

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>05-617</u>
	:	
v.	:	DATE FILED <u>10/25/05</u>
	:	
KEVIN FRAZIER	:	VIOLATIONS:
ERNEST DAVID KEYS	:	
	:	18 U.S.C. § 1951 (conspiracy to interfere
	:	with interstate commerce by robbery - 1
	:	count)
	:	18 U.S.C. § 1951 (interference with
	:	interstate commerce by robbery - 2
	:	counts)
	:	18 U.S.C. § 924(c)(1) (using and carrying
	:	a firearm during of a crime of violence -
	:	2 counts)
	:	18 U.S.C. § 2 (aiding and abetting)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times relevant to this indictment:

1. The Rite Aid store, located at 7564 Haverford Avenue in Philadelphia, Pennsylvania, was a pharmacy and retail business engaged in interstate commerce.

THE ROBBERY CONSPIRACY

2. On or about October 6, 2004, in the Eastern District of Pennsylvania, defendants

**KEVIN FRAZIER and
ERNEST DAVID KEYS**

conspired and agreed together, and with others known and unknown to the grand jury, to commit robbery, which robbery would unlawfully obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, in that defendants FRAZIER and KEYS conspired to unlawfully take and obtain personal property, including money, from the person or in the presence of another and against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property, all in violation of Title 18, United States Code, Sections 1951(a), 1951(b)(1) and 1951(b)(3).

MANNER AND MEANS

3. It was part of this conspiracy that defendants KEVIN FRAZIER and ERNEST DAVID KEYS:

- a. planned to rob the Rite Aid store located at 7564 Haverford Avenue, Philadelphia, Pennsylvania;
- b. conducted surveillance of the Rite Aide store before robbing it;
- c. armed themselves with handguns in order to threaten and intimidate persons inside the Rite Aid store; and
- d. robbed the Rite Aid store at gunpoint and stole approximately \$5,000 in cash.

OVERT ACTS

In furtherance of this conspiracy, in Philadelphia, in the Eastern District of Pennsylvania, defendants KEVIN FRAZIER and ERNEST DAVID KEYS, committed the following overt acts;

1. Defendants FRAZIER and KEYS entered and exited the Rite Aid store several times prior to 9:30 p.m. on the evening of October 6, 2004, as part of the surveillance of the store before the robbery.

2. At approximately 9:30 p.m. on October 6, 2004, defendants FRAZIER and KEYS again entered the Rite Aid store armed with handguns. Defendant FRAZIER pointed a gun at a security guard near the entrance to the store, while defendant KEYS pointed a gun at the assistant store manager, forced her to open the store safe in a back office, and stole approximately \$5,000 from the safe.

3. Defendants FRAZIER and KEYS then fled from the store and ran to an unknown location.

All in violation of Title 18, United States Code, Section 1951(a).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

At all times material to this indictment:

1. Paragraph 1 of Count One of this indictment is incorporated herein by reference.

2. On or about October 6, 2004, in Philadelphia in the Eastern District of Pennsylvania, defendants

**KEVIN FRAZIER and
ERNEST DAVID KEYS**

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, defendants FRAZIER and KEYS unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, personal property, including money, from the person or in the presence of employees of the Rite Aid store, and against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property, that is, by pointing firearms at employees and demanding money.

All in violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about October 6, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendants

**KEVIN FRAZIER and
ERNEST DAVID KEYS**

knowingly used and carried, and aided and abetted the use and carrying of, a firearm, that is, two loaded handguns, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, conspiracy to interfere with interstate commerce by robbery, and interference with interstate commerce by robbery, in violation of Title 18, United States Code, Section 1951.

In violation of Title 18, United States Code, Sections 924(c)(1) and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. At all time material to this indictment, the Wine and Spirits store, located at 6132 Lancaster Avenue in Philadelphia, Pennsylvania, was a business engaged in interstate commerce.

2. On or about December 30, 2004, in Philadelphia, in the Eastern District of Pennsylvania, defendant

KEVIN FRAZIER

obstructed, delayed and affected commerce and the movement of articles and commodities in commerce, and attempted to do so, by robbery, in that, defendant KEVIN FRAZIER unlawfully took and obtained, and aided and abetted the unlawful taking and obtaining of, personal property, including money, from the person or in the presence of employees of the Wine and Spirits store, and against their will, by means of actual and threatened force, violence, and fear of injury, immediate and future, to their person and property, that is by pointing firearms at employees and demanding money.

All in violation of Title 18, United States Code, Sections 1951(a) and 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 30, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

KEVIN FRAZIER

knowingly used and carried a firearm, that is, a loaded handgun, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, that is, interference with interstate commerce by robbery, in violation of Title 18, United States Code, Section 1951.

In violation of Title 18, United States Code, Section 924(c)(1).

A TRUE BILL:

GRAND JURY FOREPERSON

**PATRICK L. MEEHAN
UNITED STATES ATTORNEY**